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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,343	10/03/2000	Lou Dellaverson	CE0137UM	4450

7590

02/18/2003

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EXAMINER

NGUYEN, TU X

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 02/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,343

Applicant(s)

DELLAVERSON ET AL.

Examiner

Tu X Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3-4, 6-11, 13, 15-16 and 18-23, are rejected under 35 U.S.C. 102(e) as being anticipated by Bridges et al. (US Patent 6,148,197).

Regarding to claims 1, 3-4, 13, 15-16, Bridges et al. disclose a method of providing a service in a communication system, wherein the service is provided by a content provider to a user, the method comprising the step of:

Providing to the user a plurality of options related to values of at least one communications parameter to be used during the provision of service, for selection therefrom by the user (see abstract).

Regarding to claims 6-7, 18-19, Bridges et al. disclose said options are provided as a function of price (see col.15 lines 22-30).

Regarding to claims 8 and 20, Bridges et al. disclose the function of price is determined using stored price information data obtained from an earlier provision of service employing the corresponding values of said at least one communications parameter (see col.7 lines 30-62).

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Regarding to claims 9 and 21, Bridges et al. disclose the function of price is determined in real-time using currently applicable price information (see col.15 lines 39-45).

Regarding to claims 10-11 and 22-23, Bridges et al. disclose simulation means are provided by the content provider for use by the user to carry out simulation of the service that would be provided according to an intended selection by the user (see col.15 lines 46-46).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges et al. and further in view of Rai et al. (US Patent 6,421,714).

Regarding to claims 2, 14, Bridges et al. fail to disclose at least one communications parameter is related to the quality of service.

Rai et al. disclose at least one communications parameter is related to the quality of service (see col.2 lines 4-30 and col.18 lines 49-51). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

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the system of Bridges et al. with the above teaching of Rai et al. in order to provide the enhanced services such as fast access.

5. Claims 5 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges et al. and further in view of Korpela (US Patent 6,311,054).

Regarding to claims 5 and 17, Bridges et al. disclose communication parameter includes bandwidth, communication route (see col.24 lines 25-50).

Bridges et al. fail to disclose communication parameter includes delay and error rate.

Korpela discloses delay and error rate (see col.2 lines 1-4). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bridges with the above teaching of Korpela in order to provide quality connection information to the user.

6. Claims 12 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges et al. and further in view of Chow et al. (US Patent 6,456,839).

As to claims 12 and 24, Bridges et al. fail to disclose service to the user for a limited duration.

Chow et al. disclose service to the user for a limited duration (see col.3 lines 1-12). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bridges with the above teaching of Chow in order to provide competitive reduced cost to a subscriber.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

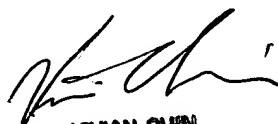
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Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

January 6, 2003


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
2/10/03